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DOI:

[10.1080/10736700.2018.1477453](https://doi.org/10.1080/10736700.2018.1477453)

Document Version

Peer reviewed version

[Link to publication record in King's Research Portal](#)

Citation for published version (APA):

Williams, H. (2018). A nuclear babel: narratives around the Treaty on the Prohibition of Nuclear Weapons. *The Nonproliferation Review*. <https://doi.org/10.1080/10736700.2018.1477453>

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VIEWPOINT

A Nuclear Babel: Narratives around the Treaty on the Prohibition of Nuclear Weapons

Heather Williams

The 2017 Treaty on the Prohibition of Nuclear Weapons has been successful in starting new conversations about nuclear weapons. Unfortunately, many of those conversations are happening in silos with ban supporters and opponents talking past each other. Both sides of the debate often misrepresent one another, putting at risk cooperation within the global nuclear order and progress towards the 2020 Nuclear Non-Proliferation Treaty Review Conference. To address these misperceptions, this article offers a bridge-building framework with steps for Nuclear Weapon States, ban supporters, and regional and political coalitions. The framework is designed to be practical and to build trust following a heated and controversial debate around the ban treaty and its predecessor, the “humanitarian impacts of nuclear weapons” movement. The most important and timely of these efforts is for ban supporters and opponents to work together on risk reduction at a time of heightened geopolitical tensions with rising risks of misperception and inadvertent escalation.

KEYWORDS: Treaty on the Prohibition of Nuclear Weapons; disarmament; nonproliferation; diplomacy

In the short story, “The Library of Babel,” Jorge Luis Borges describes an imaginary world where different groups attempt to speak to each other without translators, but to limited effect: “for every sensible line of straightforward statement, there are leagues of senseless cacophonies, verbal jumbles and incoherences.”¹ This description of a noisy and confused conversation readily captures the current nature of many nuclear debates, wherein supporters of a recent nuclear-weapons ban treaty claim that nuclear-weapon states (NWS) are not serious about nuclear disarmament. And they are right. At the same time, NWS levy an identical claim that ban *supporters* are not serious about disarmament because the treaty does not include crucial details on

¹ Jorge Luis Borges, “The Library of Babel,” in *Labyrinths* (London: Penguin, 2000 [1962]).

Acknowledgement: I’d like to thank the editors for their most helpful feedback, along with Rebecca Gibbons, Matthew Harries, and William Potter for their expert insights and suggestions. Contact: Heather.w.williams@kcl.ac.uk; @heatherwilly

verification. And they, too, are right. The type of disarmament envisioned by ban supporters happens in a vacuum—a fairy tale that the NWS cannot understand. For the ban treaty is not about nuclear elimination and therefore does not include a detailed pathway to disarmament, but rather is about changing the way we talk about nuclear weapons. As such, both sides of the debate continue to talk past each other in “verbal jumbles.”

On July 7, 2017, 122 states in the United Nations General Assembly voted in favor of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which gained further attention when the International Campaign to Abolish Nuclear Weapons (ICAN) was awarded the 2017 Nobel Peace Prize for its efforts to conclude the treaty. The lead-up to the vote was defined by polarization between ban supporters and opponents. But at the treaty’s signing ceremony, UN Secretary-General António Guterres called for “dialogue, bridge-building and practical steps” on the pathway to disarmament.² Indeed, “bridge-building” is emerging as a theme among both ban supporters and opponents, as evidenced in a recent volume by the European Leadership Network, as a way to move past the polarization of the ban treaty and return to progress within the established global nuclear regime, the crux of which is the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).³ To be clear, bridge-building must be a responsibility for both ban supporters and opponents, states and civil society alike. But what might bridge-building entail? Do the two sides have shared interests? And is there sufficient consensus for cooperation, or was the ban treaty itself a bridge too far in undermining trust between NWS and NNWS in the NPT?

On the one hand, the ban treaty is often misrepresented on three key issues. These include its relationship with previous disarmament initiatives, such as Global Zero; the TPNW’s lack of detail, including verification and membership; and its ultimate objective. Language can be deceiving: despite its name, the treaty is not about the

² Antonio Guterres, “The Secretary-General’s remarks at signing ceremony for the Treaty on the Prohibition of Nuclear Weapons [as delivered],” September 20, 2017, www.un.org/sg/en/content/sg/statement/2017-09-20/secretary-generals-remarks-signing-ceremony-treaty-prohibition.>

³ Shatabhisha Shetty, “Conclusion,” in Shatabhisha Shetty and Denitsa Raynova (eds.), *Breakthrough or Breakpoint? Global Perspectives on the Nuclear Ban Treaty*, Global Security Special Report, European Leadership Network (December 2017), www.europeanleadershipnetwork.org/wp-content/uploads/2017/12/ELN-Global-Perspectives-on-the-Nuclear-Ban-Treaty-December-2017.pdf.

elimination of nuclear weapons, but rather aims at *reframing* nuclear weapons and changing how we talk about them to focus on the humanitarian and environmental consequences of their use. Therefore, details such as verification or more diverse membership were not a priority.⁴ These misperceptions matter, particularly as the NWS craft policies in response to the TPNW, which may fail to effectively address the treaty's driving forces.

On the other hand, the ban treaty will have potentially destabilizing effects on the global nuclear regime absent outreach efforts by its supporters. Although it has changed how the international community talks about nuclear weapons, this change in narrative comes with risks. The new treaty contains numerous ambiguities, particularly regarding its relationship with the NPT, that further sow distrust about the intentions of ban supporters. Polarization puts cooperation at risk. A more direct effect of the ban treaty is that ban supporters are openly targeting audiences in “nuclear umbrella” states and questioning the norm of deterrence, which in turn further alienates them from many security-minded states and presents additional risks to the global nuclear order.

This Viewpoint translates some of the ongoing misperceptions on both sides and offers an initial framework for bridge-building efforts. The framework is not meant to be comprehensive, but rather is intended to spark more rigorous thinking about actions to strengthen the non-proliferation and disarmament regime. The article begins with a summary of the four common misperceptions about the TPNW's roots and objectives. It will then examine the implications of the ban treaty on nuclear norms, the NPT, and deterrence. Analysis of these different perspectives offers insights into realistic options for bridge-building. The article concludes with a sobering analysis of the limits to bridge-building between ban supporters and opponents; it emphasizes taking “small steps” and creating the conditions for further progress towards nuclear disarmament, and appreciating ongoing achievements in the nuclear regime. The staunchest of ban supporters are likely to view this as insufficient, while some ban opponents will perceive them as too conciliatory, but to

⁴ John Borrie, “Humanitarian reframing of nuclear weapons and the logic of a ban,” *International Affairs*, 90:3 (2014), pp. 625-646.

return to Borges's *Library of Babel*, some words simply do not translate and the extreme views probably can never be reconciled.

Speaking in tongues

From the perspective of many NWS, the ban treaty is an emotional and incomprehensible movement that does not understand the nuances of deterrence theory and is the latest in a trend of disarmament initiatives, to include land mines and cluster munitions. Many NWS and “umbrella states” continue to misunderstand or misrepresent the motives of the ban treaty on at least four claims: first, that it is a follow-on of the Global Zero movement ; second, that it failed to include verification; third, that its negotiation failed to include nuclear-weapon possessors or states that rely on nuclear deterrence, with the exception of the Netherlands; and finally, that its objective is to eliminate nuclear weapons. All of these require clarification.

But first it is necessary to understand the roots of the ban movement. The ban treaty is the political heir of the humanitarian impacts of nuclear weapons (HINW) initiative.⁵ Humanitarian approaches to nuclear weapons began with their use in Hiroshima and Nagasaki and were informed by first responders, such as Dr. Marcel Junod of the International Committee of the Red Cross (ICRC), who reported on the complete destruction of all buildings in Hiroshima and the lack of any supplies, water, or sanitation. He relayed stories of the survivors: “In a few seconds ... thousands of human beings in the streets and gardens in the town centre, struck by a wave of intense heat, died like flies. Others lay writhing like worms, atrociously burned.”⁶ Civil-society groups have been calling for a humanitarian approach to nuclear weapons well before the ban treaty, and the HINW initiative played a mobilizing role by increasing the visibility, momentum, and membership behind the movement.

At the outset, the HINW initiative was portrayed as apolitical and focused on building a new narrative around nuclear weapons, one based on the facts of a nuclear detonation. The facts-based approach set the tone for the 2013 conference in Oslo, the

⁵ See, for example, Rebecca Davis Gibbons, “The humanitarian turn in nuclear disarmament and the Treaty on the Prohibition of Nuclear Weapons,” *Nonproliferation Review* (forthcoming).

⁶ Marcel Junod, “The Hiroshima disaster- a doctor’s account,” ICRC, published September 12, 2005, www.icrc.org/eng/resources/documents/misc/hiroshima-junod-120905.htm

first of a series focusing on the humanitarian impact, which included testimony from the *hibakusha*, survivors of Hiroshima and Nagasaki, along with research on the effects of a nuclear explosion on the human body and environment. The Norway conference was followed by a conference in Nayarit, Mexico, in February 2014, which concluded with a call for a “diplomatic process” to fill the “legal gap” around nuclear weapons—a nuclear ban treaty. Despite continued controversy over the direction of the initiative, civil society and a core group of states pushed for organizers of the next conference in Vienna to “make significant progress toward initiating a diplomatic process to negotiate a nuclear weapons ban.”⁷ This resulted in a “Humanitarian Pledge” launched at the Vienna Conference and endorsed by 127 countries. Following the humanitarian-focused conferences, the initiative transitioned to an Open-Ended Working Group in the United Nations that resulted in a mandate to negotiate a treaty. The ban treaty was ultimately adopted by the United Nations General Assembly on July 7, 2017, with the support of 122 states following a swift series of UN working group meetings and negotiations, and opened for signature in September 2017.

The logic of the ban treaty rests on at least three pillars: reframing nuclear-weapons policies to focus on humanitarian consequences rather than security issues, shifting agency for disarmament away from NWS and to non-nuclear-weapon states (NNWS), and using a framework document, rather than a detailed comprehensive convention, to promote change.⁸ The TPNW prohibits members from developing, testing, possessing, transferring, using, or threatening to use nuclear weapons. This makes policies of nuclear deterrence illegal for any state that accedes to the treaty. It will enter into force ninety days after fifty states have done so.

Misperception 1: The ban treaty is related to Global Zero

While in many ways the ban treaty is an evolution of past humanitarian-focused efforts, it is also decidedly unique. The first misperception of the ban treaty, therefore, is that it is in any way connected to Global Zero, which was founded in the mid-2000s

⁷ William C. Potter, “Disarmament Diplomacy and the Nuclear Ban Treaty,” *Survival*, 59:4 (2017), pp. 83.

⁸ This convention was a focal point for disarmament efforts prior to the ban treaty and was submitted to the United Nations in 2007, available at: http://inesap.org/sites/default/files/inesap_old/mNWC_2007_Unversion_English_N0821377.pdf

and driven by leaders and nuclear experts predominantly from Western states. It included the support of hundreds of leaders, including in NWS, and a timeline for the step-by-step approach to nuclear disarmament, including deeper reductions in US-Russia arms control and a Fissile Material Cut-off Treaty (FMCT).

But the ban is distinct from Global Zero and other disarmament initiatives and peace movements in practice, ambition, and theory. It is an “ideational reframing” of how we conceptualize and discuss nuclear weapons, with the ultimate goal being a shift in the narrative around nuclear weapons so they are universally perceived as illegitimate and unacceptable on moral and legal grounds.⁹ According to John Borrie of the UN Institute for Disarmament Research, the 2008 Convention on Cluster Munitions offers lessons for this “reframing,” whereby a new discourse around a certain type of weapons “inject[s] doubts into the minds of some state policy-makers as they were exposed to the new argumentation... those doubts about cluster munitions nudged certain policy-makers from some small- and medium-sized states towards a new framing.”¹⁰ Once these small- and medium-sized states are on board, they will increase pressure on the possessor states and create a “slippery slope”— gradually attracting more supporters and building a consensus to ostracize larger states. According to this logic, the ban treaty is a natural progression in international law to move nuclear weapons to the same level as chemical and biological weapons by using international legal mechanisms to facilitate the reframing. This theory of disarmament is a far cry from Global Zero’s 2010 Action Plan that focused on a “hard-nosed, realistic and thorough examination of the critical conditions that must be met” at various stages on the pathway to elimination.¹¹

In addition to equating the ban treaty with previous disarmament efforts, it would also be mistaken to assume the ban is a monolith. William C. Potter of the James Martin Center for Nonproliferation Studies, for example, illustrated the division of states and organizations that support the ban treaty as groupings that emerged within the UN Open-Ended Working Group that led to TPNW negotiations.¹² Jennifer Knox of

⁹ Borrie, p. 628.

¹⁰ Borrie, p. 631.

¹¹ Global Zero, *Action Plan* (2010), www.globalzero.org/files/gzap_6.0.pdf.

¹² Potter, “Disarmament Diplomacy and the Nuclear Ban Treaty”

Global Zero identified nuclear groups as “haves,” “have-nots,” and “need-nots,” highlighting that while some NNWS rely on nuclear deterrence, most others do not perceive a need nuclear weapons for their security because they do not face a nuclear-armed adversary.¹³

Misperception 2: In an oversight, the TPNW does not include verification

The ban treaty does not include any specific verification measures other than to “maintain its International Atomic Energy Agency safeguards obligations in force at the time of entry into force of this Treaty, without prejudice to any additional relevant instruments that it may adopt in the future.”¹⁴ Ban advocates, such as Richard Lenane, the host of the antinuclear website Wildfire, argued that since no nuclear-weapon possessors would join the treaty, detailed verification measures were “pointless.” Rather, excluding verification “would provide a legal channel for non-nuclear-weapon states to unambiguously delegitimize nuclear weapons” and “would impose *no additional burdens* on non-nuclear-weapon states, as it could be verified through the existing safeguards system.”¹⁵ During the course of negotiations, the conference president issued a non-paper acknowledging concerns about the lack of verification, but noted the majority of participants favored a “South Africa-plus” model, which might include an initial declaration of possession of nuclear materials to be followed by IAEA inspections either during or after their elimination, but the details were never clarified in the non-paper or the TPNW itself.¹⁶

Instead, the ban treaty takes a framework approach that “leaves the negotiation of verification processes to future protocols reached with nuclear-armed states, if or when they decide to accede.”¹⁷ Verification was left out not because of lack of

¹³ Jennifer Knox, “Haves, have-nots, and need-nots: The nuclear ban exposes hidden fault lines,” *Bulletin of Atomic Scientists*, July 3, 2017

¹⁴ *Treaty on the Prohibition of Nuclear Weapons*, July 7, 2017, Article 4.

¹⁵ Wildfire, “Taking control: how non-nuclear-weapon states can take forward multilateral nuclear disarmament negotiations,” Working paper submitted to the Open-ended working group on taking forward multilateral nuclear disarmament negotiations, 2016, p. 3.

¹⁶ “Non-paper by the President: Indicative list of objectives of the verification of the completeness of its inventory of nuclear material and nuclear installations in States Parties that have manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001),” July 7, 2017, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/05/Non-paper-verification-objectives-for-former-nuclear-weapon-programmes.pdf>.

¹⁷ Nick Ritchie, “A rebuttal to critics of the nuclear weapon ban treaty,” *Bulletin of Atomic Scientists*, July 24, 2017.

technical understanding or lack of seriousness, but because negotiations on verification would have significantly slowed momentum for the treaty, and this level of detail was not necessary for the “ideational reframing” approach to the treaty. In this model, specific obligations are left to be negotiated and addressed following the treaty’s entry into force in subsequent protocols.¹⁸

Misperception 3: The TPNW tried to include NWS

Throughout the HINW initiative and the ban treaty negotiations, NWS were noticeably absent, with the exception of the United Kingdom’s and United States’s participation in the 2014 Vienna Conference. Their absence was not solely due to NWS skepticism, but also because some leaders of the ban treaty movement were not interested in garnering their participation or catering to them for a variety of reasons. Above all, the ban treaty is an opportunity for NNWS to have a voice and greater agency in disarmament discussions. It is a protest movement rooted in a contrary perspective to that of the global powers. Including NWS would have undermined, if not significantly slowed, those efforts and steered the HINW initiative in a different direction.

One piece of evidence for this was the Nayarit Conference on HINW in February 2014. According to interviews with five current and former US State Department officials, the United States was considering participation in the conference and met with Mexican officials to discuss the agenda. Specifically, the State Department asked for consequence management to be a focus on the agenda, given that the conference was about consequences of nuclear weapons use. The State Department also suggested a speaker from a US civil-society organization, which the Mexican government and organizers considered. When Mexico released the agenda, however, none of these discussions or suggestions were incorporated, leaving US officials with the impression the conference was not actually about humanitarian consequences but rather was on an aggressive, politically motivated path.¹⁹ By way of another example, the Netherlands was the only member of NATO to participate in the ban negotiations

¹⁸ Nick Ritchie, “Pathways to nuclear disarmament: delegitimising nuclear violence,” Working Paper for United National General Assembly Open-ended Working Group on “Taking forward multilateral nuclear disarmament negotiations,” May 11, 2016, p. 12.

¹⁹ Author interviews

and ultimately was the only country to vote against the treaty. Its justification for the vote was that the treaty was “incompatible with our commitments as a NATO state. We attempted to rhyme these facts with the spirit of the treaty by introducing a temporality clause, but most delegations here could not reconcile that with their views on a nuclear weapons ban.”²⁰ As described by the Netherlands, the ban supporters were not willing to make compromises that could have made the outcome more amenable to states with policies of nuclear deterrence. This was not a miscalculation on the part of the ban supporters; rather, the absence of NWS was an important factor in the negotiations’ success.

Misperception 4: The goal of the TPNW is the elimination of nuclear weapons

A fourth common misperception of the ban treaty is that its goal is the elimination of nuclear weapons. Rather, the goal of the TPNW is a reframing of nuclear narratives. This reflects a political motive behind the ban, namely the sentiment among its supporters that they lacked agency in existing disarmament fora, such as the NPT review process and the consensus-ruled, deadlocked Conference on Disarmament (CD). The ban treaty manifests this frustration and provides an additional political tool to leverage and pressure NWS. As captured by the University of York’s Nick Ritchie, “are the 122 states that voted for the treaty expected instead to quietly accept a permanently nuclear-armed world and the dangers that go with it?... Arguing in advance that the treaty will be ineffective is arguing for the nuclear status quo—a status quo that a great many states find unacceptable.”²¹ The ban is therefore a source of renewed agency on the international stage for NNWS to shame and pressure NWS by creating a legal, and potentially normative, stigma around nuclear-weapon possession.²² To better understand these political motives, it is helpful to revisit the debate between various pathways to disarmament.

According to opponents of the ban treaty, the best pathway toward nuclear disarmament is the “step-by-step approach” rooted in the NPT, or what is increasingly

²⁰ “Explanation of vote of the Netherlands on the text of Nuclear Ban Treaty,” July 7, 2017.

²¹ Ritchie, “A Rebuttal”.

²² Ritchie, “Pathways to Nuclear Disarmament.”

referred to as the “conditions-based approach”.²³ These steps were outlined in the 2000 NPT Review Conference Final Document and included, *inter alia*, an FMCT, disarmament verification, and deeper reductions in nuclear warheads.²⁴ Supporters of the ban treaty lost patience with this approach, concluding that they had worked to identify and make progress towards disarmament, but these endeavors, such as negotiating an FMCT or bringing the Comprehensive Test Ban Treaty (CTBT) into force, were stalled. Additionally, some ban supporters see nuclear reductions, such as the 2010 New Strategic Arms Reductions Treaty (START) between the United States and Russia, as “surface devaluing” of nuclear weapons, without any fundamental change in how states perceive nuclear weapons.²⁵ According to ICAN’s counter-arguments:

The step-by-step approach, which has been on the table since the 1950s, is defined primarily by the NPT recognized nuclear-armed states and contributes to the misperception that only they can move the disarmament agenda forward. Article VI of the NPT does not require a step-by-step approach; rather, it requires good faith negotiations for nuclear disarmament- a process in which a ban treaty would be a real first step.²⁶

For ban supporters, it was time for a drastic change in nuclear-weapon policy. For example, the principle of nuclear necessity—which states that the United States will not use nuclear weapons against a military target that can be destroyed with conventional weapons—will not satisfy ban supporters pushing for more progress towards disarmament.²⁷ They would likely view the principle of nuclear necessity as maintaining the status quo because it continues to legitimize the threatened use of nuclear weapons, albeit on a smaller scale than would otherwise be the case. Ban supporters are not interested in these “steps,” which they perceive as a stalling

²³ Christopher Ford, “Creating the Conditions for Nuclear Disarmament: A New Approach”, Remarks delivered to the Center for Nonproliferation Studies Nonproliferation Workshop, Annecy, France, March 17, 2018.

²⁴ “Final Document, Volume I”, Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, 2000, pp. 14-15, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/453/64/PDF/N0045364.pdf?OpenElement>.

²⁵ Ritchie, “Pathways to Disarmament”, p. 3.

²⁶ International Campaign to Abolish Nuclear Weapons, “Common Misconceptions About a Ban on Nuclear Weapons,” www.icanw.org/wp-content/uploads/2015/04/Counter-arguments_FINAL.docx

²⁷ Jeffrey G. Lewis and Scott Sagan, “The Nuclear Necessity Principles: Making U.S. Targeting Policy Conform with Ethics and the Laws of War,” *Daedalus*, 145:4 (Fall 2016), pp. 62-74.

mechanism revealing that NWS have no credible desire to disarm, thus creating a growing rift within the global nuclear order.²⁸

Deciphering the TPNW: Implications on norms, the NPT, and deterrence

Misperceptions by TPNW opponents aside, there are nevertheless at least two potential risks associated with the TPNW that ban supporters have yet to fully address.

Despite supporters' assurances to the contrary, the TPNW is already affecting the NPT. According to ICAN, "the humanitarian initiative has strengthened both the non-proliferation pillar and the disarmament pillar of the NPT... . There is nothing in the NPT that would be incompatible with a comprehensive international instrument codifying the unacceptability of nuclear weapons for all states at all times."²⁹

According to this logic, any weakening of the NPT is the fault of the NWS because they have failed to make more progress towards Article VI commitments. Ban supporters continue to claim the NPT is a crucial part of the global nuclear regime and are quick to insist the ban in no way damages it, but at the same time claim the NPT is unjust and undermines global peace.³⁰

Conversely, ban opponents point out that the ban risks undermining the NPT by creating an alternate forum and undercutting states' verification commitments. For example, the ban treaty does not require its members to sign the Additional Protocol; NPT states parties can point to membership of the ban treaty as their commitment to nuclear disarmament, nonproliferation, and security, but without the concrete commitments of the NPT and its subsequent inspection measures. Prior to completion of the ban treaty negotiations, Adam Mount at the Federation of American Scientists and Richard Nephew at Columbia University offered a compromise to ensure the

²⁸ Jan Ruzick and Nicholas Wheeler, "The puzzle of trusting relationships in the Nuclear Non-Proliferation Treaty," *International Affairs*, 86:1 (January 2010), pp. 69-85.

²⁹ ICAN

³⁰ H.E. Archbishop Silvano M. Tomasi, Statement at the Vienna Conference on the Humanitarian Impacts of Nuclear Weapons, December 9, 2014.

treaty did not undermine the NPT: a requirement that all ban treaty members also be NPT members in good standing.³¹ No such language appears in the ban treaty.

Instead, the TPNW contains language more generally supporting the NPT in the preamble: “*Reaffirming also* that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security... .” In Article 18, however, it indirectly refers to the NPT and is worth quoting in full: “The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the [TPNW].”³² This article presents a challenge for the NPT, because it subordinates the NPT to the TPNW. As observed by Newell Highsmith and Mallory Stewart at Georgetown University, the treaties are in conflict because the NPT allows five states to continue to possess nuclear weapons, whereas the TPNW declares any such possession illegal. And additionally, it leaves open the potential for “interpretive conflicts”—for example, can a TPNW state cooperate with an NPT member on peaceful uses?³³ The numerous ambiguities in the treaty sow confusion and distrust about the drafters’ intentions for how it would relate to the NPT.

Regardless of when and whether the ban treaty enters into force, it has been successful in changing how policy makers, experts, and the general public talk about nuclear weapons, as evidenced by numerous conference agendas and journals’ tables of contents. But this change in conversation may not necessarily take the direction intended by ban treaty supporters. As highlighted by Lawrence Freedman of King’s College London, there are a variety of nuclear norms that act in concert with each other, including the norm of non-use, the nonproliferation norm, and the deterrence norm.³⁴ The interaction of a changing narrative with the norms of nonproliferation

³¹ Adam Mount and Richard Nephew, “A nuclear weapons ban should first do no harm to the NPT,” *Bulletin of Atomic Scientists*, March 7, 2017, <http://thebulletin.org/nuclear-weapons-ban-should-first-do-no-harm-npt10599>

³² *Treaty on the Prohibition of Nuclear Weapons*, Article 18.

³³ Newell Highsmith and Mallory Stewart, “Treaty on the Prohibition of Nuclear Weapons: First Do No Harm,” *Survival* (forthcoming).

³⁴ Lawrence Freedman, “Disarmament and Other Nuclear Norms,” *Washington Quarterly*, 36:2 (Spring 2013), pp. 93-108.

and deterrence requires additional attention. By attempting to undermine deterrence, the ban treaty's narrative also potentially undermines nonproliferation, as extended deterrence has limited nuclear proliferation.³⁵

One goal of ban treaty supporters is to undermine and delegitimize policies of nuclear deterrence on the grounds that threatening to kill hundreds of thousands of civilians violates international law and is inhumane. But deterrence remains an important security tool for many states. The Netherlands' statement explaining its vote against the treaty highlighted the TPNW's incompatibility with NATO's nuclear posture. And immediately following the treaty's conclusion, France, the United Kingdom, and the United States issued a statement about its intentions and potential effects:

This initiative clearly disregards the realities of the international security environment. Accession to the ban treaty is incompatible with the policy of nuclear deterrence, which has been essential to keeping the peace in Europe and North Asia for 70 years. A purported ban on nuclear weapons that does not address the security concerns that continue to make nuclear deterrence necessary cannot result in the elimination of a single nuclear weapon and will not enhance any country's security, nor international peace and security.³⁶

Undermining deterrence comes with risks. To again quote Freedman, "Imagine a crisis in which one party observed that there was no need for restraint because they faced no credible nuclear threat."³⁷ On security and deterrence, therefore, the ban treaty has the potential to divide NATO and to undermine extended deterrence. Thus far, the TPNW has increased pressure on some NATO member states, particularly the Netherlands and Germany, to remove U.S. nuclear weapons stationed on their territory as part of the Alliance; nonetheless, NATO members and partners have remained united in its opposition to the ban treaty. These developments come at a time of increased pressure on NATO, not only from Russian aggression in the east,

³⁵ Matthew Harries, "The ban treaty and the future of US extended nuclear deterrence arrangements," in Shetty and Raynova.

³⁶ "Joint Press Statement from the Permanent Representatives to the United Nations of the United States, United Kingdom and France following the adoption of a treaty banning nuclear weapons," July 7, 2017.

³⁷ Freedman, p. 102.

but also as a result of waning U.S. credibility stemming from recent arguments over burden-sharing.

NWS and ban supporters are talking past each other. Ban supporters' message may be getting lost on target audiences, such as NATO members, whereas NWS will struggle to engage with ban supporters in the context of the NPT. This presents a challenge to the cooperative process that underpins the global nuclear regime.

A bridge to nowhere?

Ultimately, the ban treaty has exacerbated existing points of tension in addition to creating new ones. This comes at a time when the regime is particularly fragile due to North Korea's nuclear-weapon and missile advances, heightened U.S.-Russia tensions, and America's withdrawal from the 2015 Joint Comprehensive Plan of Action (JCPOA) intended to limit Iran's nuclear program. But there are also positive signs, at least five of which are worth capturing in brief as success stories for the global nuclear regime.⁴⁰

1. The International Partnership for Nuclear Disarmament Verification—a public-private initiative that includes more than twenty-five states with and without nuclear weapons—completed Phase 1, an outline of “a notional nuclear weapon dismantlement process called the ‘Basic Dismantlement Scenario.’”⁴¹
2. Several seismic and radionuclide stations have been certified in China as part of the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). Although China has not yet ratified the test ban, the CTBTO is expected to certify eleven stations on Chinese territory.⁴²
3. The International Atomic Energy Agency continues to monitor nuclear material in peaceful use in over 180 countries with no known diversions.

⁴⁰ I am grateful to participants of the 2017 Non-Proliferation Conference at Wilton Park for supplying these and numerous other “success stories.”

⁴¹ International Partnership for Nuclear Disarmament Verification, “Phase I Summary Report: Creating the Verification Building Blocks for Future Nuclear Disarmament,” 2017, <www.ipndv.org/reports-analysis/phase-1-summary/>.

⁴² CTBTO, “First Station Certified in China,” CTBTO News, December 16, 2016, www.ctbto.org/press-centre/highlights/2016/first-station-certified-in-china/

4. Iran continues to implement its obligations under the JCPOA.⁴³
5. The New Strategic Arms Reduction Treaty (New START) continues to be implemented, including verification, and both the United States and Russia are expected to meet the treaty limits by February 5, 2018.

These achievements, like the NPT, should not be taken for granted. Rather, the ban is one development of many in the past year and should not be the focal point of the 2020 NPT Review Conference (RevCon). To promote more of these “success stories” and avoid further polarization between ban supporters and opponents, both sides should acknowledge the need for “bridge building” to move forward with other NPT business and creating the conditions for further nuclear disarmament.

Since bridge building is an abstract term, it is essential to root it in concrete ideas and opportunities. Table 1 aims to start a more rigorous conversation about specific actions that can be taken to strengthen the global nuclear regime.

Table 1. Initial bridge building framework.

Group	Actions for 2020 RevCon
NWS	<ul style="list-style-type: none"> • Adopt a humanitarian lens • Acknowledge pressure stemming from the ban treaty, particularly with NATO allies • Restate commitment to the NPT Article VI and acknowledge progress in some areas more than others of the 2010 Action Plan
NNWS (ban supporters)	<ul style="list-style-type: none"> • Clarify ambiguities in the TPNW • Restate commitment to the NPT and its indefinite extension
Regional or Political Groups/ Coalitions	<ul style="list-style-type: none"> • Promote geographic and technical approaches to risk reduction • Nuclear weapons education • NWS-NNWS transparency

⁴³ Yukiyo Amano, “Director General’s Speech on Iran, the JCPOA and IAEA,” November 14, 2017, www.iaea.org/newscenter/statements/director-generals-speech-on-iran-the-jcpoa-and-the-iaea.

	<ul style="list-style-type: none"> • Identify bridge-building activities for 2025 RevCon
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Actions listed here should not be mistaken for any link to the 2010 NPT RevCon Action Plan or the 2000 NPT RevCon Final Document’s 13 Steps, which were meant to outline progress toward disarmament. Rather, the goal of these actions is to reduce polarization, rebuild trust, identify areas of common interest, and pursue areas of cooperation. By no means is it exhaustive. It is decidedly moderate in its ambitions, intended as part of an effort to start a productive conversation clarifying past misperceptions and identifying concrete opportunities for cooperation. This framework is built on the principle of small steps and treating TPNW supporters and opponents as equals, rather than assigning blame, and focusing on areas of shared interest rather than ongoing dispute.

Turning first to the NWS, as pointed out by Ben Valentino of Dartmouth University and Scott Sagan at Stanford University, the ban treaty was a missed opportunity to revive a more public discussion around nuclear weapons through a humanitarian lens: “The energy, organization, and genuine passion that eventually resulted in the ban treaty were assets that might have been used to address dangerous realities about nuclear weapons that are too often ignored: the human costs of clean-up of waste sites and production facilities and the potential for nuclear winter or other environmental effects.”⁴⁴ Indeed, a humanitarian approach to nuclear weapons does not necessarily lead to a ban treaty. Rather, as part of a bridge-building strategy, the NWS can pick up the humanitarian approach, which was included in the 2010 Review Conference Final Document and largely popular at the conferences, including among NATO states. This could include re-emphasizing and strengthening the norm of non-use with a public statement by the NWS that a nuclear war, in the words of President Ronald Reagan, “can never be won and must never be fought.” This could be an outcome for “P5 dialogues”—among the five NWS—or in the 2020 Final Document. Additionally, the NWS can restate their commitment to obligations under Article VI of the NPT, while acknowledging nuclear disarmament may not happen in the short- or mid-term and articulating the practical challenges to further progress.

⁴⁴ Scott Sagan and Benjamin Valentino, “The nuclear weapons ban treaty: Opportunities lost,” *Bulletin of Atomic Scientists*, July 16, 2017, <http://thebulletin.org/nuclear-weapons-ban-treaty-opportunities-lost10955>

One simple step the United States in particular can take is to acknowledge the completion of the ban treaty and its potential effects on allies. As discussed, many NATO members are under increasing domestic pressure to join the ban treaty and are conducting national studies into the practical implications of membership. Ignoring the underlying frustration that gave root to the treaty or its popularity among some publics would further polarize the global nuclear regime and exacerbate tensions. A statement could read along the lines of, “While we disagree with the objectives and mechanisms of the ban treaty, we acknowledge that some states would like to see disarmament happen at a swifter pace. We also acknowledge that many of our allies feel under pressure to add to these calls for swifter disarmament. Here is how we are addressing these calls without the risks presented by ban treaty membership...” to include the bridge-building steps discussed here and other measures to create the conditions for further disarmament, such as IPNDV. Such discussions may be better done in bilateral dialogues rather than introducing the ban debate into the NPT unnecessarily.

Similarly, ban treaty supporters can immediately and unequivocally restate their commitment to the NPT and its indefinite extension. Unofficial and informal language suggesting states withdraw, walk out, or challenge indefinite extension at the 2020 RevCon are unhelpful.⁴⁵ Additionally, as discussed, ambiguities in the treaty language—whether intentional or oversights—contribute to NWS’s concern that the TPNW will be used to undermine the NPT in the absence of additional steps toward disarmament in the current review cycle. The Sword of Damocles is now in the other hand. By clarifying the context and intent of the treaty’s language, particularly Article 18, TPNW supporters can readily resolve concerns about the relationship between the two treaties and demonstrate an act of good faith to ameliorate valid concerns.

⁴⁵ For example, the United Nations Office of Disarmament Affairs cites a failed outcome at the 2015 Review Conference as a setback to, “activities under the three pillars of the Treaty as part of the package in support of indefinite extension of the Treaty in 1995.” Available at: <https://www.un.org/disarmament/wmd/nuclear/npt/>

A final group of actors are the regional and political coalitions or groups within the NPT, particularly the Non-Proliferation and Disarmament Initiative.⁴⁶ Many members of these groups are stuck in the middle of debates over the ban treaty.⁴⁷ By engaging with both NWS and ban supporters, they can play a role in increasing transparency and identifying middle ground. There are at least three specific projects for the NPT, which these groups, or new ones, could address.

First, the ban treaty largely ignores issues of risk reduction, yet increasing tensions in Northeast Asia and Eastern Europe necessitate a renewed emphasis on questions about nuclear escalation, miscommunication, strategic stability, and security.⁴⁸ Such project-based work could not only examine regional tensions and security, but also technical factors of nuclear risk. For example, two studies in 2014 by the U.S. Department of Defense identified “systemic problems across the nuclear enterprise” that increased risks of nuclear accidents, highlighting the need for continued vigilance and investment in nuclear safety and security.⁴⁹ A cooperative effort to identify and reduce nuclear risks from both ban supporters and opponents would also increase transparency and dialogue in the context of the NPT.

A second project for crosscutting groups could involve nuclear education. The 2010 Final Document supported the concept of disarmament and non-proliferation education as Action 22, which can and should remain a priority. Additionally, the HINW conferences demonstrated the value of a facts-based discussion about nuclear-weapons consequences, separate from the politics of disarmament and non-proliferation. For example, the groups could propose developing a universal syllabus for balanced nuclear-weapons education—the facts, the history, the present dangers—to be encouraged at different educational levels. Additionally, discussions around the ban treaty have demonstrated misunderstandings about nuclear deterrence and

⁴⁶ NPDI includes Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey, and the United Arab Emirates.

⁴⁷ For additional recommendations on a role for the NPDI, see Andrea Berger, “After Adoption: Recommendations for Strengthening the NPT,” in Shetty and Raynova.

⁴⁸ At the 2017 Carnegie Nuclear Policy Conference, Ambassador Dell Higgie stated the ban treaty was not interested in discussing nuclear risks as a possible means of finding common ground. On the same panel, ICAN President Beatrice Fihn confirmed this sentiment whereby the only way to reduce nuclear risks is disarmament.

⁴⁹ David E. Sanger and William J. Broad, “Pentagon Studies Reveal Major Nuclear Problems,” *New York Times*, November 13, 2014.

strategic stability, which could also be a theme in nuclear education programs. There may also be other opportunities for nuclear education worthy of development and investment at the NPT level. Sagan and Valentino's point on the ban as a missed opportunity remains important.

Finally, the NPT operates on a cycle-to-cycle basis, causing confusion over which document sets the rules of the game. The current review cycle will likely be plagued by disagreement over whether the 2010 Action Plan remains the guidepost, or if it requires updating, given changes in the geopolitical environment. One useful recommendation comes from Robert Einhorn of the Brookings Institute that the NPT RevCon should not make a consensus final document the ultimate goal, but rather should produce a report that assess NPT implementation and "will be factual and/or uncontroversial and will be expressed as the common view of the parties. Where differences exist on the implementation record, they should be acknowledged and clearly stated."⁵⁰ A final project for a cross-cutting group would be to identify the desired outcome for the 2025 RevCon to prevent confusion and develop a singularity of purpose and renewed commitment to the NPT as an institution.

Conclusion

The nuclear ban treaty has been a focus of the global nuclear order, but now that it is concluded, the regime must return its gaze to upholding the day-to-day activities that make it work. In particular, NWS and NNWS must develop a joint and practical plan for bridge-building to reduce polarization within the NPT and work toward a successful 2020 RevCon. This step will require the NWS to improve their understanding of the underlying causes and motives of the ban treaty, and their understanding that it is meant to reframe nuclear discourse and not outline the path to nuclear disarmament. Similarly, ban supporters must acknowledge concerns about the TPNW's effects, and the possibility that it may undermine the NPT, and therefore nonproliferation.

⁵⁰ Robert Einhorn, "The NPT Review Process: Try Something New," *Center for Non-Proliferation Studies* (2016).

The framework offered here is meant to start a conversation. Now that the battle of the ban has ended, what will peace look like between its supporters and opponents? Perhaps the biggest challenge is that ban supporters and opponents continue to speak in different languages. Any steps taken by the NWS will be seen as insufficient to the staunchest ban advocates, and pressure to do more will be perceived as threatening to the NPT. This has become the core dynamic of the NPT and the general operating principle. It is unlikely to change. Instead, ban supporters and opponents can look for small steps, opportunities for cooperation and transparency-building, to identify common interests such as strengthening the norm of non-use, risk reduction, emphasis on humanitarian consequences, and nuclear education. These may not be parts of a flashy social media campaign, but could be the basis of quiet day-to-day work by international organizations and experts that avoids debates reminiscent of the Library of Babel. Indeed, it could avoid debate about the ban treaty altogether. And that may be the best bridge-building exercise of all.